A SMART GROWTH FUTURE FOR DERRY

Presented to THE NEW HAMPSHIRE Office of State Planning

As part of the GrowSmart NH Tool-Kit Project

September 2002

By Planning Decisions, Inc. www.planningdecisions.com

TABLE OF CONTENTS

A.	Int	roduction: The Need for Smart Growth	3		
В.	What is Smart Growth?				
C.	Derry's Growth Experience				
D.		ry's Development Ordinances the Principles of Smart Growth	11		
E.	Sug	ggestions for a Smart Growth Future for Derry	11		
	1.	Encourage continued revitalization of the Downtown.	13		
	2.	Create a mixed-use, Smart Growth development near Exit 4A	16		
	<i>3</i> .	Create a "traditional New England" village in a rural area.	18		
	<i>4</i> .	Create an open space preservation overlay zone.	25		
	<i>5</i> .	General Zoning Changes	26		

A. Introduction: The Need for Smart Growth

New Hampshire is currently growing "at a rate approaching 15,000 people each year." This growth makes New Hampshire the vibrant state it is; it brings new jobs, new people and new ideas. At the same time, however, it also brings new challenges.

Unmanaged, this growth threatens to destroy the very qualities that make New Hampshire a great place to live.

Sprawling growth moves away from our town centers, leaving downtowns struggling. It spreads residential development across the rural landscape on large lots, eliminating the farms and woodlots of the working landscape--the pieces that are the very essence of rural character. The resulting pattern of development leaves islands of single uses widely spread apart from each other. In many areas the automobile becomes the only logical way of reaching these far-flung districts. Instead of the traditional mixed use patterns of development, where at least some residential development was directly accessible to downtowns that provided a variety of commercial, industrial, and institutional activities, we have residential subdivisions and office parks far outside of downtown. Instead of small-scale retail centers, we have stores and retail complexes hundreds of thousands of square feet in size, surrounded by acres of parking. In doing so, we are losing any traditional, distinctive New Hampshire character.²

Sprawl in its simplest terms is growth of land use that exceeds growth of population. Sprawl is bad because it is expensive — it increases the cost of municipal services and thus taxes; it destroys the traditional land uses of forestry and agriculture; it makes us more dependent on the automobile and thus increases pollution; and it destroys the small town, rural character that is so much a part of New Hampshire's birth right.

Sprawl occurs not because of the malevolence of developers or the incompetence of government. Rather it occurs because of the complexity of the link between these "bad" consequences and any individual project. Developers play by the rules established by state and municipal governments. It's just that the rules have not always been coherent, consistent or logically linked to the goals they are intended to realize. For example:

• Planning Boards and other municipal bodies are under increasing pressure to "do something" in the face of growing population pressure and increasing tax rates.

-

¹ NH Office of State Planning Report to Governor Shaheen on Sprawl, December 1999. p. 1.

² <u>Ibid.</u>

- Many towns have had unpleasant experiences with poorly planned and hastily executed "affordable" housing projects and "cluster" developments that have made them gun-shy about new ideas for growth management.
- While the goals of "Smart Growth" may be clear by contrast to sprawl— it's everything sprawl is not the practical guidelines for putting these theoretical ideals to work are few and far between.
- The myriad of existing regulations often have unintended consequences which tend to impede the realization of "Smart Growth" goals:
 - ß 3 acre zoning intended to preserve a rural flavor results in fields full of suburban homes:
 - B Lot coverage and parking regulations intended to prevent squalor result in downtowns with empty second and third floor spaces;
 - B Use regulations intended to protect health in a residential area results in limits on farming that hastens the loss of large tracts of working open space.

In short, for "Smart Growth," the devil truly is in the details.

The central focus of the "GrowSmart NH" project is to bridge the gap between theory and practice and provide a usable link between the principles of Smart Growth and their application in municipalities.

This report is a first step for providing that link for the town of Derry.

B. What is Smart Growth?

The forces of change are enormous and seem to come from all sides—more people, more traffic, changing jobs, higher taxes—and they seem impossible to understand and control—the global economy, new threats to environmental and personal health, changed cultural and moral values. Given these pressures, it is understandable that taxpayers and communities often respond with a loud "STOP!" Growth caps, tax caps, reduced budgets, all are natural responses to situations that appear overwhelming. What "Smart Growth" counsels here is not to jump to any particular "solution," but rather to step back and look at the essential qualities of the community. At base, Smart Growth is an affirmation of those values that constitute the character of an area, of the values that determine its:

• Sense of Place

What are the places, both natural and human-made, which give the community its character? What is the feeling that arises from living in the community? What are residents proud to show visitors? What reflects the community's history?

• *Sense of Community*

How do people in the community know and feel about one another? What factors, both physical and social, shape their interactions? Where do people gather? Shop? Vote? Celebrate? Play?

• Sense of Economy

What does the community feel it can afford? What does it want for itself, and what is it willing to spend to get it? How does the community shape public policy, and how do members of the community participate in decision making?

Smart Growth says, "First, decide on your vision. Then explore the possible ways to achieve it." In practical terms, "Smart Growth" consists of evaluating and shaping all new development and re-development initiatives according to the following eight principles:

- A. Maintain traditional **compact settlement** patterns to efficiently use land, resources and infrastructure investments;
- B. Foster the traditional character of New Hampshire downtowns, villages, and neighborhoods by encouraging a **human scale** of development that is comfortable for pedestrians and conducive to community life;
- C. Incorporate a **mix of uses** to provide variety of housing, employment, shopping, services and social opportunities for all members of the community;
- D. Provide **choices and safety in transportation** to create livable, walkable communities that increase accessibility for people of all ages, whether on foot, bicycle, or in motor vehicles;
- E. Preserve New Hampshire's **working landscape** by sustaining farm and forest land and other rural resource lands to maintain contiguous tracts of open land and to minimize land use conflicts;

- F. Protect **environmental quality** by minimizing impacts from human activities and planning for and maintaining natural areas that contribute to the health and quality of life of communities and people in New Hampshire;
- G. **Involve the community** in planning and implementation to ensure that development retains and enhances the sense of place, traditions, goals, and values of the local community; and
- H. Manage growth locally in the New Hampshire tradition, but **work with neighboring towns** to achieve common goals and address common problems more effectively.

C. Derry's Growth Experience

Throughout the 1970's, 1980's and early 1990's, Derry's growth was meteoric. Its population and housing stock tripled; its schools and roads became more and more crowded; its tax rate grew to among the highest in New Hampshire; and much of its agricultural land and open space was consumed by residential development. In response to this rapid growth, Derry took a number of actions.

- In 1994, the Town adopted a one-year growth moratorium.
- In 1996, it prepared a Growth Management Plan.
- In 1999, it adopted a Growth Management Ordinance limiting new residential building permits to fifty per year and established a Thirty Year Capital Investment Plan intended to guide development of the Town's capital assets and to serve as the basis for limiting future residential growth.
- In 1999 and through 2000, it conducted a series of Community Vision Workshops designed to guide a rewrite of the Town's Master Plan.³

As a result of these actions and the recession and bank failures of the early 1990's, growth in Derry slowed considerably over the past decade. Figure 1 illustrates the change.

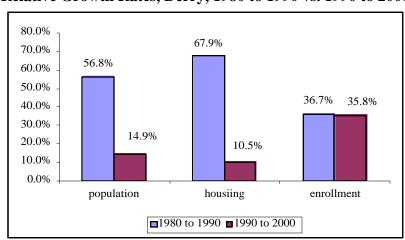


Figure 1 Relative Growth Rates, Derry, 1980 to 1990 vs. 1990 to 2000

Sources: Population and Housing from U.S. Bureau of the Census <u>Census of Population, 1990</u> and <u>2000</u>. Enrollment from NH Office of State Planning and Town of Derry <u>Annual Report Fiscal Year Ending June 30,2001</u>, p. 131.

During the period under which the Growth Management Ordinance was in effect, building permits never reached the mandated limit of fifty. In addition, while school enrollment did not slow as much as population and housing, it has leveled off over the past several years, growing less than 2% since 1998.

³ Town of Derry, Herr & James Associates, Consultants <u>Town of Derry Master Plan Update</u> April 10, 2001. Town of Derry <u>Zoning Ordinance</u> February 21, 2002.

While it is true that growth slowed in the 1990's, several points are significant about the growth that did occur. First, most of the housing growth was in the form of single-family homes. Between 1990 and 2000, there were 1,116 new single-family homes built in Derry and only 60 multi-family housing units and only 20 manufactured housing units. Naturally, this pattern of housing development had an impact on the demographic structure of Derry's population. Figures 2 and 3 below illustrate this change.

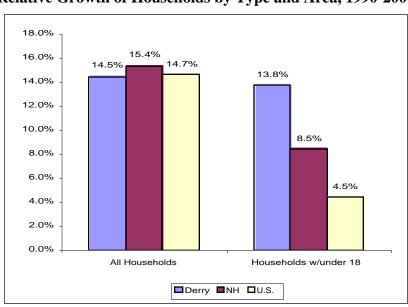


Figure 2
Relative Growth of Households by Type and Area, 1990-2000

Sources: Population and Housing from U.S. Bureau of the Census Census of Population, 1990 and 2000.

While the total number of households in Derry grew at a slightly slower rate than for the state and the nation as a whole, those households with children under age 18 increased at a much faster rate in Derry than in either New Hampshire or the U.S. as a whole. As a result, Derry ended the decade of the 1990's with a significantly higher proportion of its households in this category. Figure 3 illustrates this difference.

A Smart Growth Future for Derry

8

⁴ NH OSP Current Estimates and Trends in New Hampshire's Housing Supply, 1999 and 2000.

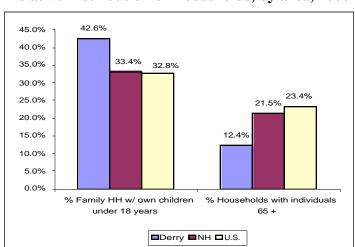


Figure 3
Relative Distribution of Households, by area, 2000

While households with children under age 18 constituted about one third of all households in the state and nation as a whole, they accounted for nearly 42% of all households in Derry. Conversely, while households with individuals aged 65 and older made up over 20% on all households for the state and the nation as a whole, they accounted for just over 12% of all households in Derry. Looking to the future, the interplay between the supply of residential housing and demographic structure and will have a significant impact on the nature of demand for town services. If housing construction in Derry continues to be primarily suburban style, single-family units, this demographic disproportion and its consequent impact on municipal services will remain. If, on the other hand, Derry provides a greater variety of housing targeted to other segments of the market, the town's demographic structure is likely to move closer to state and national averages.

In short, while the slower growth of the 1990's enabled Derry to "catch its breath," it is unlikely, for several reasons, that future growth will continue at this reduced rate.

- Derry's growth management ordinance expired in the spring of 2002.
- Derry still has "about 8,000 acres of developable land" which could, under existing zoning regulations, accommodate "about 4,000 new housing units..." 5
- The widening of Interstate 93 and the construction of the new exit 4A will increase the demand for housing in Derry.⁶

⁵ Derry Master Plan Update p. II-1 and II-2.

⁶ The New Hampshire Department of Transportation assembled a group of experts to assess the impact of widening Rt.93. Their weighted average population estimate for Derry for the year 2020 was 47,672, far exceeding the maximum build-out population of 40,000 envisioned in Derry's Master Plan Update (p.II-2). Parsons,Brinkerhoff Quade & Douglas, Inc. for the New Hampshire Department of Transportation I-93 Manchester to Salem, Expert Panel Analysis, Final Report, January 22, 2002. In addition, varying assumptions about the demographic and household structure of this projected population indicate a potential demand for between 5,000 and 7,000 new housing units, again a range far exceeding the maximum of 4,000 envisioned in the Master Plan Update.

For all of these reasons, it is appropriate for Derry to look at its zoning and other growth management ordinances with an eye not just to the number of new units to be developed, but also at their type, their location and how they can best be integrated with the other qualities and activities of the Town described Town of Derry Master Plan Update Herr & James Associates, Consultants, April 10, 2001.

D. Derry's Development Ordinances and the Principles of Smart Growth

The central purpose of the GrowSmart NH Tool-Kit Project is to help communities evaluate their development policies and regulations in light of the concepts and examples of "Smart Growth." In the case of Derry, Planning Decisions reviewed the town's Master Plan Update as well as its Zoning Ordinance and its Land Development Control Regulations. Given Derry's experience with the effects of growth and its efforts to manage that growth, it is understandable that many of the goals to be achieved in these documents are consistent with the principles of "Smart Growth." The Master Plan Update calls for development regulations that:

- "concentrates development in the Downtown...avoiding the tendency toward suburban sprawl." (p. II-2);
- preserves "open space, recreation and agriculture...." (p. II-4);
- protects "Derry's natural, cultural and historic resources." (p. II-3);
- improves "public communication in Derry, particularly with respect to land use issues." (p. II-3);
- involves "at least one workshop a year with neighboring communities on issues of mutual concern." (p. II-3).

In spite of these goals, however, several contradictions between the principles of Smart Growth and the implications of Derry's zoning regulations remain. Planning Decisions reviewed the town's Master Plan as well as its zoning ordinance, its subdivision ordinance and its site plan review ordinance. This review is presented in the attached report, <u>Derry and New Hampshire's Principles for Smart Growth.</u>

E. Suggestions for a Smart Growth Future for Derry.

As is evident from the above analysis, portions of Derry's Master Plan and development regulations are consistent with the principles of Smart Growth, but others are not. More importantly, most are simply silent on these ideas. While a detailed rewrite of these statutes could certainly be undertaken, Planning Decisions believes that such an effort would not address the town's most critical needs. We believe that the most significant forces that will dominate growth in Derry over the next two decades will be:

- The demand for residential housing driven by the strength of the Greater Boston economy and the widening of I-93 that will make Derry a more attractive residential location in that market:
- The demand for commercial space to serve the population of the Greater Derry area, particularly that of its suburban neighbors who alone will not have sufficient demand to justify major commercial investment; and
- The fiscal and environmental consequences of this growth.

In our view, there are two major strategies that offer Derry the best opportunity to shape this growth in ways consistent with both the goals articulated in the town's Master Plan Update and the principles of Smart Growth. These are:

- To alter the zoning regulations in a way that will enable the town to "trade" higher density, more diversified, residential development in one or two sections of the town's current LDR and MDR zones (6,000 to 7,000 acres of potentially developable land) for assured protection of high priority agricultural/open space and much lower density residential development in other areas of these same zones; and
- To enhance the attractiveness of Derry for commercial/industrial development to create more local jobs, thus reducing commuting and traffic congestion and increasing non-residential sources of municipal tax revenue.

To execute these strategies, Planning Decisions suggests four major initiatives:

- 1. continued revitalization and redevelopment of the downtown area and its surrounding residential neighborhoods, emphasizing:
 - a. cultural and recreational activities that will make the Greater Derry area a more attractive place for business location; and
 - b. varieties of housing that will enable a full range of workers to live near future employment opportunities;
- 2. creation of a model Smart Growth mixed-use development off the new I-93 Exit 4A access road;
- 3. creation of a new, mixed-use "rural village" zone;
- 4. creation of an "open space protection" zone;

It is important to preface these suggestions with the warning that Smart Growth will not result from re-writing zoning ordinances. Rather, it will result from the creative interaction of citizens, developers and community officials. The primary stimulus to this creativity is imagination. If people think of development only in terms of the rules under which they currently operate and the projects they have already seen, little will change. If, on the other hand, they think about new ideas, decide which they like, which fit with the "essential values and qualities" that define their town, they can adjust the rules to fit the good ideas. It is also important to emphasize the interrelated nature of these proposals. Residential development, economic development downtown development and preservation of open space cannot be realized one at a time. All must be achieved together, or none will be achieved. Lively downtowns and a range of housing options help make an area attractive for business development. Derry holds tremendous promise. To realize that promise, it must act on several fronts at once.

In order to stimulate the imaginations of Derry's citizens we offer the following suggestions. Our purpose is not to say, "This is what you should do," but rather, "Think about this." The major barrier to new solutions is lack of familiarity with the range of possibilities. The purpose of the following suggestions is to broaden Derry's vision of that range and to provide food for thought to a community obviously deeply committed to dealing with the issues that will shape its future.

1. Continue to Encourage Revitalization and Redevelopment of the Downtown Area.

Sprawl is driven by many factors. Some factors pull people out to the country – elbow room, peace and quiet, lower taxes, cheaper housing, better schools, etc. Other factors push people out of built-up areas – concerns about safety, noise, traffic, high taxes, poor schools, and public services, etc. Smart Growth requires that existing built-up areas remain attractive, vital places where people want to live, work, shop, and play. Local regulations, programs and capital investments need to facilitate the continued use, reuse, and redevelopment of these built-up areas on an urban or village model and not impose "suburban" regulations on these areas. Regulations need to encourage infill development and rehabilitation in ways compatible with existing development patterns and pedestrian oriented design. The first four principles of Smart Growth listed above—compact settlement, human scale, mix of uses and choices in transportation—all speak to maintaining what Derry already has in its Downtown. The challenge to the town is how to keep and enhance this downtown and surrounding village area, both to serve current residents and as part of a larger strategy to generate more business and employment in the Derry area. Certainly the goals in Derry's Master Plan and its commitment of municipal resources to the Downtown speak to its understanding of these concepts. To complement these efforts, Planning Decisions offers the following suggestions:

- Change the lot and frontage minimums for residential use in the CDB, OBD and surrounding MHDR zones served by town water and sewer to 7,500 SF with 80 feet frontage to foster more compact "traditional neighborhood" type residential development (see Figure 4 below).
- Require residential developments in these zones to include curbs, esplanades, sidewalks, tree plantings and interconnected roads.
- Incorporate public and private commitments to provide parks, recreational opportunities and cultural activities in the Downtown area so that it is more than just a place to work and shop.
- Establish a Downtown Development Fund to provide public parking and recreational facilities to serve these zones and require developers to pay into it an amount equivalent to 75% of the difference between the land cost of a development undertaken under these new lot/frontage requirements and the land cost that would have been required under the current lot/frontage requirements.
- Encourage second and third floor uses of buildings in the downtown area.
- Establish a municipal commitment to provide initial design and renovation consultation services to owners of existing buildings in these areas who are considering major reinvestments.
- Establish a Downtown Parking and Traffic subcommittee of the Planning Board to work with property owners, merchants, residents and police to identify transportation problems and help to resolve them.
- Encourage the development of elderly and other special purpose & special care residential units in this zone.

These suggestions embody a number of the smart growth principles listed in Section B—pedestrian orientation, human scale, mix of uses, transportation options. As a way of picturing these concepts in an idealized way, Planning Decisions offers the following examples. The idealized plot plan below is not intended to be an actual development. Rather it should serve as a standard of comparison against which to evaluate those proposals that will be presented in the future and as a guide to suggest the sort of in-town redevelopment the town would like to see.

Figure 4

<u>Idealized Urban Village Neighborhood</u>

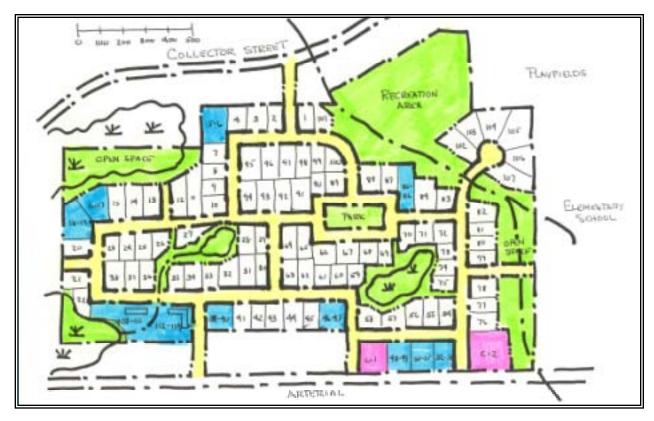


Figure 5
<u>Urban Pocket Park</u>





Figure 6
Urban Infill Commercial Redevelopment







Figure 7

<u>Urban Infill Commercial/Parking Redevelopment</u>





2. Create a mixed-use development off the new access road to Exit 4A of I-93.

Construction of the new exit 4A and its associated access road presents Derry with a tremendous opportunity to undertake a project of major significance to the future of the town. As this road will border existing industrial and residential land, the town has the chance to incorporate a variety of Smart Growth principles into whatever development occurs and thus create an important example of how Smart Growth can occur in New Hampshire. To make the most of this opportunity, Planning Decisions suggests that Derry require any development in this area to:

- Enhance residential neighborhoods within walking distance of new commercial and industrial buildings to encourage non-automobile commuting;
- Require "human scale" in commercial/industrial buildings and include trees and shrubs in their layout to help minimize the "big box" feel of the development.
- Design roads and intersections with parking behind the building and with internal interconnections for ease of walking and biking:
- Include a mix of commercial/industrial activities;
- Include open space and community gathering places.

To illustrate these suggestions, we offer the following three images, the first representing, in an idealized way, the Crystal Ave. Folsom Rd. area as it is today, the second as it might appear after conventional development (big box building design, large open parking areas, little pedestrian access, few trees) and the third illustrating the Smart Growth development defined above.

Again, we emphasize that the Smart Growth image is intended not just to illustrate a visual difference, but also to help achieve the multi-pronged strategy of enhancing economic development by preparing the commercial/industrialsite not just with water, sewer and power but also with nearby worker housing, a pleasant working environment easy access to commuters and a variety of shopping opportunities in the same general area.

Figure 8 **Mixed Use Development**

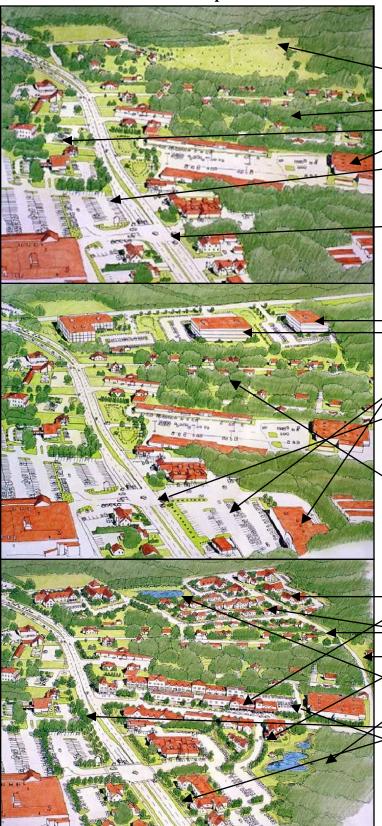


Image One Semi-developed

This image resembles, in a rough way, the current status of the outer Crystal Ave. Folsom St. intersection.

Nearby residential and open space areas;

Juitial commercial developments

Parking lots on major roads

Virtually no opportunity for pedestrian or bicycle traffic;

Heavy traffic flow through the center of the

Image Two

Conventional Development

Large scale, auto oriented buildings fill residential and open space.

More large parking lots dominate the streetscape.

Intersections are all auto oriented; little or no internal road connections.

No walking/biking paths.

No green spaces or public gathering places.

Isolation of remaining non-commercial buildings.

Image Three Smart Growth Development

Human scale buildings.

Integration of commercial and residential.

Internal road connections; including walking and biking paths.

Green/natural spaces

Streetscapes are not entirely parking lots.

Public gathering places.

3. Create a "traditional New England" village in one or two rural areas.

The single greatest threat to Derry's open space and working agriculture is the unchecked spread of suburban style housing developments utilizing the 2 and 3-acre minimum lot sizes currently permitted under the Town's zoning ordinance. Figures 9 illustrates the nature of this change in an idealized pair of images, one picturing a rural landscape similar to what much of Derry looked like in the 1960's and a second as parts of Derry look today.

Rural Area pre & post Suburban Development

Figure 9 Rural Area pre & post Suburban Development



Figure 10 shows pictures of this type of development in a community not far from Derry. These pictures illustrate both the land used for residential purposes and the land and expense required to access these open spaces for development. Indirectly, they also illustrate the future operational costs such development will bring to the town in terms of road maintenance, plowing, policing, busing and providing fire protection.

Figure 10 Examples of Suburban Residential Development









These illustrations are merely suggestive of the changes that demand for suburban housing could bring to Derry. They must be evaluated in the context of the town's remaining stock of developable land illustrated in Figures 11 an 12 below.

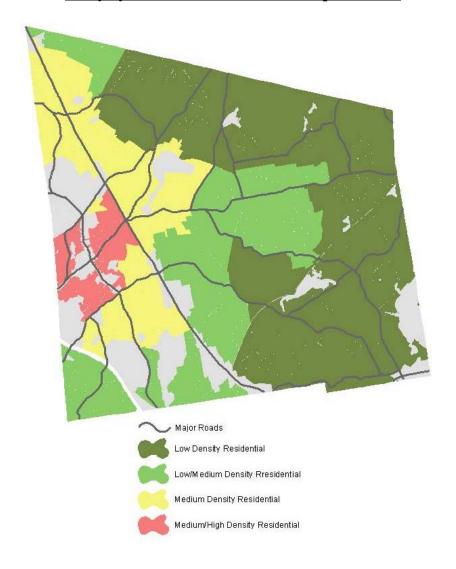
Figure 11

<u>Developable Land in Derry</u>



Figure 12

<u>Derry by Zone and Amount of Developable Land</u>



Buildable Land by Zone, Derry, 2001

zone	acres	buildable acres	% buildable
MHDR	825	250	30.3%
MDR	3,500	850	24.3%
LMDR	4,750	2,000	42.1%
<u>LDR</u>	10,000	<u>4,750</u>	<u>47.5%</u>
Total	19,075	7,850	41.2%

Source: Town of Derry

Simply put, the demand for suburban housing that exists in and around Derry will, unchecked over time, consume much of the town's developable land into the 2 and 3-acre lots permitted under the current zoning regulations. One way to prevent (or at least slow) this trend toward increased suburbanization is to select an area to become a new village and concentrate most rural development around it. Based on the energetic discussions stimulated by this idea at previous community meetings, any specific location will have to be the result of considerable community conversation. Our suggestion is that these "villages:"

- be mixed use rather than purely residential;
- be relatively high density (7,500 SF +/- per unit); and
- include a village water/sewer system built to municipal standards and owned by the municipality.

The point of this suggestion is to encourage Derry to consider concentrating new rural residential development rather than allowing it to spread randomly based only on the ability of willing buyers to find willing sellers of rural land. More specifically, Planning Decisions suggests that Derry:

- Create a rural village article in the zoning ordinance. The purpose of the article would be to allow the Planning Board to entertain proposals for a rural village proposal without establishing a specific zone or specific lot and frontage requirements.⁷ This zone would take the initiatives already begun with creation of the Office Business District Zone (OBD) and the floating Neighborhood Commercial District (NC) zones and the Master Plan's call to "examine expansion of commercial zones...in the southeast corner of town."
- Allow a rural village development to include a variety of lot sizes and limited non-residential as well as residential activities.
- Require developers to pay into an Open Space Conservation fund, an amount equal to the difference in land costs between what would be required under 2 or 3-acre per lot zoning and what actually is required under the approved village plan.
- Require developers to build community water/waste systems to town specifications for a village development.

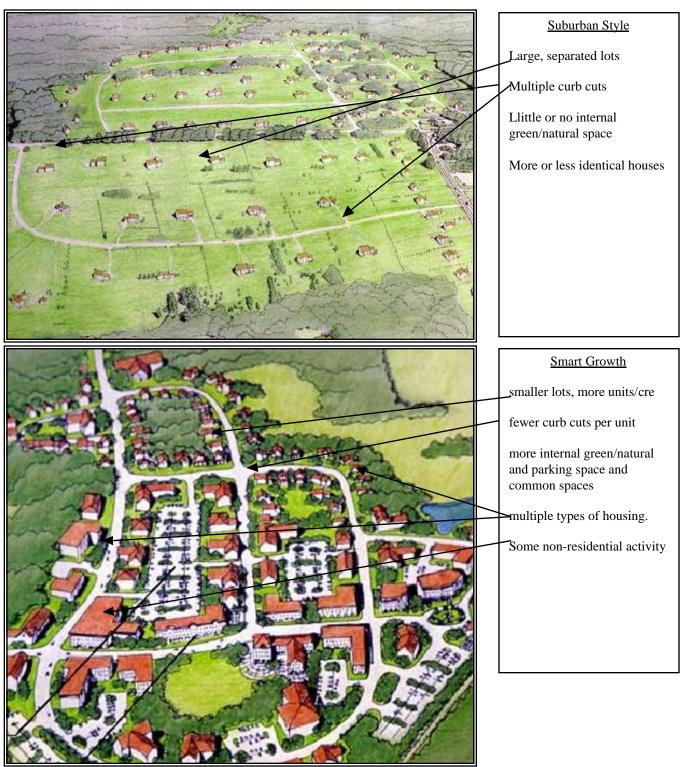
Figures 13 below illustrates, again with a pair of contrasting images, the differences between conventional suburban development and a "traditional village" mixed-use development.

٠

⁷ Examples of such an ordinance can be found in Randall Arendt <u>Crossroads, Hamlet, Village, Town: Design Characteristics of Traditional Neighborhoods, Old and New American Planning Association, Planning Advisory Service Report Number 487/488, September 1999 and at http://www.fairviewvillage.com/main.html which describes a village ordinance in Oregon.</u>

⁸ Master Plan p. II-5.

Figure 13 Rural Area Suburban Development & Traditional Village Development



Source: South County Design Manual, Rhode Island

Figure 14 below contains pictures illustrating several of the concepts of such a village. Image one on the upper left is of a mixed use building on the boundary of a village. It contains commercial activity on the first floor (a lawyer, an investment advisor, a real estate office) and residential apartments on the second floor. The image to its right, which is, in fact, located immediately to the right of the building in image one, illustrates an older home redeveloped into several residential condominiums. Image three on the lower left is located a block in from the main arterial bordering the village. It is a large old home redeveloped into apartments. The final image on the lower right is of a much newer neighborhood of single family homes set on relatively small lots (1/2 to 3/4 acre) and located immediately behind the old home pictured in image three. It illustrates the sort of "old fashioned" neighborhood with sidewalks and trees that could be developed on smaller parcels. It is in fact quite similar to the Derry neighborhoods around Park Street and just below Pinkerton Academy.

Figure 14
Examples of Mixed Use in a Village Setting









4. Create an open space preservation overlay zone.

One reason for creation of a mixed-use village zone is to "trade" higher density development in one area of town for more open space in another. Experience has shown that establishing 3-acre low density zoning as a way of maintaining open space simply puts suburban residential development into competition with traditional rural land uses, which in turn, eventually leads to widespread suburbanization of the landscape because, under current rules, the economic returns to residential development exceed those to farming. Planning Decisions, therefore, suggests that prime agricultural areas and the town's most desirable open space areas be included in a new rural open space zone targeted for open space preservation.

- Establish a municipal commitment that funds acquired from developers given lot size allowances below current standards be allocated to purchasing land or development rights in this area.
- Establish an Open Space Preservation subcommittee of the Planning Board to work with private land trusts and other organizations devoted to open space preservation to encourage them to devote their efforts to the land in these tracts.
- Establish 10 or 20-acre minimum lot size requirements in this zone and require all lots to have individual access to town roads so that any development in this zone will create no additional town roads.

5. General Zoning Changes

The overall thrust of the above suggestions is to encourage Smart Growth by recognizing specific goals of the town and creating specific zones and mechanisms to encourage desired growth. At the same time, Planning Decisions recognizes that not all growth will occur in these zones or consistently with these goals. We therefore offer these final two more general suggestions.

- Amend section 103 of the zoning ordinance, section 203 of the subdivision regulations and section 303 of the site plan regulations to reflect the concepts of Smart Growth. Each of these sections is now oriented almost entirely to the dangers of overcrowding. They reflect the fears of squalid tenements, calling for the ordinance to "lessen congestion," "prevent overcrowding," and "avoid undue concentration of population." While these are legitimate concerns, so are loss of open space, environmental degradation, loss of community interaction and the increasing tax costs of supplying services across a wide suburban landscape. These concerns ought to be given equal voice in stating the purpose of the zoning ordinance.
- Seek permission from the state to amend Article 14 (Fair Share Contribution) of the zoning ordinance to incorporate the increased operational costs of new development. Operational costs as well as capital costs are increased by new development. More roads have to be plowed and maintained. Maintenance must occur more often because of increased use. One theory holds that once the development is built and has paid its "fair share" of the capital costs it requires, operational costs become common and are shared across everyone based on equal assessments on property value. If, however, the marginal cost of providing additional services is increasing (more overtime to plow and maintain roads, a new truck, more teachers etc.), the effect of the new development is to raise the average cost to everyone. Therefore, adding to the impact fee an amount equal to the discounted present value of the additional operational costs generated by the new development would incorporate the true costs of development more fully into the cost of the new lot or new house. 9

⁹ New Hampshire law currently allows impact fees to be assessed only for increased capital expenditures, so implementation of this suggestion would require a change at the state level.